

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ELEANOR AND ROCCO
CIOFOLETTI, and LARRY
STOSPAL, on behalf of themselves
and all others similarly situated,

Plaintiff,

-VS-

SECURIAN FINANCIAL GROUP,
INC., MINNESOTA LIFE
INSURANCE COMPANY,
SECURIAN LIFE INSURANCE
COMPANY, SHURWEST LLC and
MINNESOTA MUTUAL
COMPANIES, INC.,

Defendants.

Case No.: 18-cv-03025-JNE-ECW

**JOINT MOTION TO SET BRIEFING SCHEDULE ON PLAINTIFFS’
MOTION FOR CLASS CERTIFICATION**

Plaintiffs Eleanor Ciofoletti, Rocco Ciofoletti, and Larry Stospal (“Plaintiffs”) and Defendants Securian Financial Group, Inc., Minnesota Life Insurance Company, Securian Life Insurance Company, and Minnesota Mutual Companies (“Minnesota Life”) (collectively, the “Parties”) jointly move to set a briefing schedule on Plaintiffs’ Motion for Class Certification, and state as follows:

1. On December 1, 2019, Plaintiffs filed a Motion for Class Certification (the “Motion”).

2. Under this Court’s L.R. 7-1(c), Minnesota Life’s Opposition to Plaintiffs’ Motion would be due twenty-one days later, on December 23, 2019, and Plaintiffs’ reply would be due fourteen days after that, on January 6, 2020.

3. The Parties have conferred and agree that it would conserve the resources of the Parties and the Court to extend the Parties’ respective deadlines to file their responses to Plaintiffs’ Motion until after the Court-ordered settlement conference set for January 29, 2020. Extending the Parties’ respective deadlines will allow the Parties to focus their current efforts on meaningful settlement negotiations prior to the settlement conference. It will also allow the Parties additional time to take discovery that may be used to support their responses and to facilitate possible settlement discussions in advance of the conference.

4. In light of the above considerations, the Parties respectfully request that the Court set the following briefing schedule on Plaintiffs’ Motion:

- a) Minnesota Life’s Opposition to Plaintiffs’ Motion shall be filed no later than February 14, 2020.
- b) Plaintiffs’ Reply in Support of Motion shall be filed no later than March 2, 2020.

5. The Parties also request that the Court continue the hearing on Plaintiffs' Motion from January 16, 2020, to March 16, 2020, or any date thereafter that is more convenient for the Court.

Respectfully submitted,

Dated: December 6, 2019

s/ Kathy J. Huang

Robert D. Phillips, Jr. (*pro hac vice*)

Kathy J. Huang (*pro hac vice*)

Gillian H. Clow (*pro hac vice*)

ALSTON & BIRD, LLP

333 South Hope St, 16th FL

Los Angeles, CA 90071

Tel: (213) 576-1000

bo.phillips@alston.com

kathy.huang@alston.com

gillian.clow@alston.com

Shawn M. Raiter (#240424)

David M. Wilk (#222860)

LARSON • KING, LLP

2800 Wells Fargo Place

30 East Seventh Street

St. Paul, MN 55101

Tel: (651) 312-6500

sraiter@larsonking.com

dwilk@larsonking.com

Attorneys for Defendants

Dated: December 6, 2019

s/ Lee Squitieri

Lee Squitieri (*pro hac vice*)

SQUITIERI & FEARON, LLP

32 East 57th Street, 12th Floor

New York, New York 10022

Tel: (212) 421-6492

lee@sfclasslaw.com

Kenneth A. Wexler (*pro hac vice*)

Kara A. Elgersma (*pro hac vice*)

WEXLER WALLACE LLP

55 W Monroe Street, Suite 3300

Chicago, IL 60603

Tel: (312) 346-2222

kaw@wexlerwallace.com

kae@wexlerwallace.com

Daniel E. Gustafson (#202241)

Karla M. Gluek (#238399)

Amanda M. Williams (#341691)

Daniel J. Nordin (#392393)

GUSTAFSON GLUEK PLLC

Canadian Pacific Plaza

120 South 6th Street, Suite 2600

Minneapolis, MN 55402

Tel: (612) 333-8844

dgustafson@gustafsongluek.com

kgluek@gustafsongluek.com

awilliams@gustafsongluek.com

dnordin@gustafsongluek.com

Attorneys for Plaintiffs